

**Reg. No. A0020182K**  
**ASSOCIATIONS INCORPORATION ACT 1981**  
**THE RULES OF THE VICTORIAN ELECTRIC WHEELCHAIR SPORTS**  
**ASSOCIATION INCORPORATED.**

**(including amendments to 3(1)(d) and (e), 5(2) and 5(4),[AGM 1992]; 35, [AGM 1993]; 3(2)(a) and 3(2)(b),[ AGM 1995]; 35,[AGM 1996]; 38,[AGM 1998]; 24(1)(b) and 27(4), [AGM 2003]; 3.(2)(g) [AGM 2005].)**

**NOVEMBER 2005**

**NAME**

1. The name of the incorporated association is **Victorian Electric Wheelchair Sports Association Incorporated** (in these Rules called “**the Association**”).

**INTERPRETATION**

2. (1) In these Rules, unless the contrary intention appears—

“**Committee**” means the Committee of Management of the Association.

“**Financial year**” means the year ending 30<sup>th</sup> June.

“**General Meeting**” means a general meeting of members convened in accordance with Rule 13.

“**Member**” means a member of the Association.

“**Ordinary Member of the Committee**” means a member of the Committee who is not an officer of the Association under Rule 23.

“**The Act**” means the *Associations Incorporation Act 1981*.

“**The Regulations**” means Regulations under the Act.

“**Statement of Purposes**” means the Statement made pursuant to Section 5(b) of the Act and forming part of these rules as Appendix 3 hereto.

(2) In these Rules, a reference to the Secretary of an Association is a reference—

- (a) where a person holds office under these Rules as Secretary of the Association - to that person; and
- (b) in any other case, to the Public Officer of the Association.

(3) Words or expressions contained in these Rules shall be interpreted in accordance with the **Acts Interpretation Act 1958** and the Act as in force from time to time.

**QUALIFICATIONS FOR, CATEGORIES OF AND VOTING RIGHTS OF MEMBERSHIP**

3. (1) Persons and Organisations applying for membership must:

- (a) agree with and be supportive of the Statement of Purposes of the Association for the time being in force; and
- (b) accept in principle the Declaration on the Rights of Disabled Persons adopted 9<sup>th</sup> December, 1975, by the United Nations General assembly Resolution 3447(xxx),  
being Appendix 4 to these Rules; and
- (c) agree to be bound by the Rules of the Association for the time being in force.
- (d) accept that formal membership of the Association shall be a pre-requisite to becoming a registered player/competitor entitled to participate in competitive individual and team sporting events and activities organised by the Association at Local, Regional, Intrastate, Interstate, National and International levels.
- (e) accept that in addition to membership subscriptions set pursuant to Rule 5 hereof, player/competitor

registration fees, as determined from time to time by the Committee, shall be payable by members who are or who become registered as players/competitors.

(2) Subject to the Rules for the time being in force there shall be several categories of membership as defined hereunder. Limitations on member numbers, restrictions or exclusions in relation to voting rights and exclusions from holding office and being elected to Committee shall apply where so stated in the following definitions of membership categories.

(a) **Ordinary Membership** shall be available to natural persons who have attained the age of 16 years. Subject to Rule 20, each Ordinary Member shall be entitled to vote at any general meeting. Each Ordinary Member shall be eligible to be elected as an officer of the Association or elected as an ordinary member of the Committee.

(b) **Junior Membership** shall be available to natural persons who are not more than 16 years of age. Junior members shall not be entitled to vote at any general meeting. Junior members shall not be eligible for election as either an officer of the Association or an Ordinary member of the Committee, however Junior members may be appointed by the Committee to serve on Sub-Committees and Advisory Panels in connection with planning proposed sporting events and other activities; competition and match draws and fixtures; newsletters and other publications of the Association.

(c) **Patron Membership** At an Annual General Meeting or any Special General Meeting, the Association upon the recommendation of the Committee, may appoint not more than two (2) Patrons. The functions of the Patron or Patrons shall be to generally enhance the public image of the Association and to promote the purposes and activities of the Association at the discretion of the Committee in consultation with the Patron or Patrons. At any one time there shall be not more than two Patrons.

(d) **Organisation Membership** shall be available to organisations including other associations, societies, clubs institutions or other bodies where incorporated or unincorporated and the purposes of which organisations include provision of recreational sporting and social activities for disabled persons and the purposes of which are generally compatible with the purposes of the Association.

Each Organisation Membership may nominate in writing one person over the age of 18 years to be the Delegate of the Organisation Member.

The nominated Delegate of each Organisation Member shall be entitled to vote at any general meeting and shall be eligible to be elected as an ordinary member of the Committee but shall not be eligible for election as an Officer of the Association.

(e) **Honorary Membership** shall be offered at the full discretion of the Committee to:

Adult Persons who have rendered a particular or important service to the Association

OR

Adult Persons considered to have particular and special knowledge of or experience in any matter or activity included in the Purposes of the Association

OR

Any party or body which financially sponsors or underwrites a particular activity or the general activities of the Association to the extent of \$1,000 or more in any financial year or which donates \$1,000 or more to the Association in any financial year.

Subject to the preceding paragraph, Honorary Membership shall be available to governments and other public sector agencies and statutory bodies; private sector corporations, companies, firms and partnerships whether incorporated or unincorporated; charitable and philanthropic trusts, societies and organisations whether incorporated or unincorporated; community service, social professional, trade or sporting organisations whether incorporated or unincorporated; and natural persons.

Honorary Memberships may be offered and granted by the Committee at its discretion for any specified period not less than one (1) complete financial year.

Honorary Members which are not natural persons may nominate in writing one natural person over the age of 18 years to be the Delegate of the Honorary Member.

Honorary Members who are natural persons and Delegates of other Honorary Members shall be entitled to vote at any general meeting but shall not be eligible to be elected as either an Officer of the Association or an Ordinary member of Committee, however such persons may be appointed by the Committee to serve on Sub-Committees and Advisory Panels established by the Committee.

(f) **Life Membership** shall be offered at the full discretion of the Committee to natural persons who have rendered long and devoted service in any capacity to the Association and its predecessors in law.

Life Members shall be entitled to vote at any General Meeting and shall be eligible to be elected as either an Officer of the Association or an Ordinary Member of Committee, and Life Members may be appointed by the Committee to serve on Sub-Committees and Advisory Panels established by the Committee.

**(g) Limitations on Membership Numbers**

The aggregated total numbers of all Organisation Memberships plus all Honorary memberships plus all Life memberships shall not exceed twenty per cent (20%) of the overall membership of the Association at any one time.

(h) No membership which has voting rights, regardless of the type of membership, shall have more than one (1) vote on any matter upon which a vote is required or taken at any General Meeting.

**APPLICATION FOR MEMBERSHIP**

(4) (1) A natural person which applies for and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules.

(2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) shall not be admitted to membership—

- (a) unless nominated as provided in sub-clause (3); and
- (b) the admission as a member is approved by the Committee.

(3) Application of a person or party for membership of the Association—

- (a) shall be made in writing in the form set out in Appendix 1; and
- (b) shall be lodged with the Secretary of the Association.

(4) As soon as is practicable after the receipt of a nomination, the Secretary shall refer the nomination to the Committee.

(5) Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.

(6) Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing of the approval for membership of the association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and the first year’s annual subscription.

(7) The Secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to in that sub-clause, enter the nominee’s name in the register of members and, upon the name being so entered, the nominee becomes a member of the Association.

(8) A right, privilege, or obligation of a person by reason of membership of the Association—

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon the cessation of membership whether by death or resignation or otherwise.

**ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS**

5. (1) The entrance fees shall be as determined at the Annual General Meeting in each year but in the year of incorporation of the Association shall be as set out hereunder.

(2) The Annual Membership Subscription (exclusive of player/competitor registration fees), shall be as determined at the Annual General Meeting in each year and shall be payable in advance on 1<sup>st</sup> day of July in each year.

(3) Entrance fees and annual subscriptions for the financial year in which incorporation occurs and the next financial year shall be as follows:-

Membership Category	Entrance Fees		Annual Fees	
	Year of Incorporation	Next Year	Year of Incorporation	Next Year
Ordinary	\$2	\$2	\$10	\$20
Junior	\$2	\$2	\$3	\$5
Patron	Nil	Nil	Nil	Nil

Organisation	\$5	\$5	\$15	\$30
Honorary	Nil	Nil	Nil	Nil
Life	Nil	Nil	Nil	Nil

(4) Discounted annual membership subscription rates may apply to two or more ordinary or junior members in one family or household who all reside at the same household address.

The availability of discounted annual membership subscription rates in each year, and if available the specific rates thereof in each year, shall be determined at the Annual general Meeting in each year and, if applicable, shall be payable retrospectively from 1<sup>st</sup> day of July in each year.

In the financial year in which the association becomes incorporated and for the following financial year only, the discounted annual subscriptions for each year shall be set out hereunder:-

Membership Category	Annual Subscription	
	Year of Incorporation	Next Year
One Ordinary Member	\$10	\$20
Each Additional Member	\$5	\$10
One Junior Member	\$3	\$5
Each Additional Junior Member	\$2	\$3

No discount shall apply in relation to entrance fees.

Ordinary Members to whom a discounted annual subscription applies shall have the same voting rights and eligibility to be elected to Officer or Committee as other Ordinary Members.

Where discounted annual subscriptions apply, notices of meetings and for other purposes shall be sent collectively in one envelope addresses to all members residing at the same address and only one copy of each issue or edition of any Association newsletter, magazine or other publication shall be sent to that address.

(5) The committee shall have the power to waive the payment of an entrance fee or a subscription of any member, if it is satisfied that this would cause hardship to the person or persons concerned

**REGISTER OF MEMBERS**

6. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

**RESIGNATION AND EXPULSION OF MEMBERS**

7. (1) A member of the Association who has paid all moneys due and payable by the member to the Association may resign from the Association by first giving one (1) months notice in writing to the Secretary of his or her intention to resign and upon the expiration of that period of notice, the member ceases to be a member.

(2) Upon the expiration of a notice given under sub-clause (1), the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

8. (1) Subject to these Rules, the Committee may by resolution—

- (a) expel a member from the Association;
- (b) suspend a member from membership of the Association for a specified period; OR
- (c) fine a member in accordance with The Regulations, if the Committee is of the opinion that the member—
  - (i) has refused or neglected to comply with these Rules; OR
  - (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

- (2) A resolution of the Committee under sub-clause(1)--
- (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on a member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; AND
  - (b) where the member exercises a right of appeal to the Association under this clause, does not take effect unless the Association confirms the resolution in accordance with this clause.
- (3) Where the Committee passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the member, a notice in writing—
- (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not less than 28 days after the service of the notice;
  - (c) stating the date, place and time of the meeting;
  - (d) informing the member that he or she may do one or more of the following:
    - (i) Attend the meeting;
    - (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution; and
    - (iii) Not later than 24 hours before the date of the meeting lodge with the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the Resolution.
- (4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee—
- (a) shall give to the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member; AND
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the Secretary receives a notice under sub-clause (3), he or she shall notify the Committee and the Committee shall convene a General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (6) At a General Meeting of the Association convened under sub-clause (5) --
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given the opportunity to be heard; AND
  - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the General Meeting—
- (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; AND
  - (b) in any other case, the resolution is revoked.

### **POWERS**

9. The Association shall have powers to engage in all lawful activities and take whatever decisions or actions necessary to fulfil its purposes. Its powers shall include the authority to—
- (1) Raise money by all lawful means and to solicit, receive and enlist and accept financial or other aid from any source and to conduct fund-raising campaigns.
  - (2) Raise or borrow money upon such terms and in such manner as the Association thinks fit.
  - (3) Secure the repayment of moneys so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, charges or securities upon or over all or any of the property of the Association.
  - (4) Invest and deal with moneys of the Association not immediately required in such manner as is from time to time thought fit by the Association to achieve reasonable rates of return from secured or underwritten investments.
  - (5) To purchase, own, acquire by gift or bequest, to lease, rent, hire or borrow from others to sell or exchange, to lease, rent or loan to others, property of any nature for the conduct of the business and activities of the Association.

- (6) Subject to Section 16 of the Act, the Association may act as trustees and accept and hold upon trust, real and personal property.
- (7) To draft, adopt, issue, amend from time to time as deemed necessary and administer Electric Wheelchair Sports Regulations and Rules in relation to all aspects of the Electric Wheelchair sporting activities at local, regional and intrastate levels in Victoria.
- (8) To establish, open and carry on branches, sub-committees, advisory and expert panels, agencies and associated institutions in any part of the State of Victoria and to regulate and discontinue such bodies under the direction of the Committee. All activities of such bodies shall be subordinate to the policies and purposes of the Association. Such bodies shall have no powers or authority other than as may be delegated to them from time to time by the Committee, and such bodies shall at all times be fully answerable and accountable to the Committee and the Association.
- (9) To appoint from time to time whether with full or restricted powers of sub-delegation either with or without remuneration agents, attorneys or other persons under power of attorney or otherwise, within or without the State of Victoria for the purpose of carrying out or assisting in all of the purposes of the Association and to review and cancel any or all such appointments or delegation and to remove any persons so appointed.
- (10) To employ and remunerate, any person, firm or company for services rendered or to be rendered to the Association in any manner as the Committee sees fit.
- (11) The income and property of the Association shall be applied solely towards the promotion of its purposes as set forth in Appendix 3 hereto, and no member of the Association shall secure pecuniary profit from any of its transactions and no portion of its income or property shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise however by way of profit to any member of the Association, and no member of the Association shall have any interest of any sort in the assets of the Association except by way of indemnity against liability incurred by a member on behalf of the Association, **PROVIDED THAT** this sub-clause shall not apply to any payment or loan specifically authorised by the Association in accordance with either Clause 2.6.3 or Clause 2.6.4 of the Statement of Purposes of the Association to or for the benefit of a person who requires the use of an Electric Wheelchair and who may be a member of the Association **AND PROVIDED FURTHER THAT** this sub-clause shall not apply to any payment specifically authorised by the Association to any person employed by the Association who may be a member of the Association or to other members of the Association for work or travel undertaken on behalf of the Association.

#### ANNUAL GENERAL MEETING

10. (1) The Association shall in each calendar year convene an Annual General Meeting of its members.
- (2) The Annual General Meeting shall be held on such day as the Committee determines.
- (3) The Annual General Meeting shall be specified in the notice convening it.
- (4) The ordinary business of the Annual General Meeting shall be—
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Committee reports upon the transaction of the Association during the last preceding financial year
  - (c) to elect officers of the Association and the ordinary members of the Committee; AND
  - (d) to receive and consider the statement submitted by the Association in accordance with section 30 (3) of the Act;
  - (e) to appoint an Auditor, honorary or otherwise, to audit the financial records of the Association and the annual financial statements for the ensuing financial year;
  - (f) to determine the levels of entrance fee and annual membership subscriptions to apply for the ensuing financial year;
  - (g) to consider and vote upon any recommendation of the Committee regarding the appointment of not more than two (2) Patrons;
  - (h) to consider and vote upon any recommendation of the Committee regarding payment of an honorarium to the Secretary for the last preceding financial year.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (6) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

(Section 30 of the Act provides that an incorporated association shall, at least once in

each calendar year, convene a general meeting, to be called an annual general meeting).

### **SPECIAL GENERAL MEETING**

11. All General Meetings other than the Annual General Meeting shall be called special general meetings.

12. (1) The Committee may, whenever, it thinks fit, convene a general meeting of the Association and, where, but for this sub-clause, more than fifteen months would elapse between annual general meetings, shall convene a special general meeting before the expiration of that period.

(2) The Committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association.

(3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.

(4) If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three months after that date.

(5) A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and, all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

### **NOTICE OF MEETING**

13. (1) The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at the address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

(3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

### **PROCEEDINGS AT MEETINGS**

14. (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these Rules as being the ordinary business of the annual general meeting shall be deemed to be special business.

(2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

(3) 15 members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(4) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 10) shall be a quorum.

15. (1) The President, or in the President's absence, the Vice-President, shall preside as Chairman at each general meeting of the Association.

(2) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number as Chairman at the meeting

16. (1) The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (3) Except as provided in sub-clause (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

17. A question arising at a general meeting of the Association shall be determined on a show of hands and unless, before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

18. (1) Upon any question arising at a general meeting of the Association, a member entitled to vote has one vote only.
- (2) All votes shall be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

19. (1) If at a meeting a poll or any question is demanded by not less than three members, it shall be taken at that meeting in such a manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairman may direct.

20. A member is not entitled to vote at any general meeting unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

21. (1) Each member is entitled to appoint another member as a proxy by notice given no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 2.

22. (1) The affairs of the Association shall be managed by the Committee of Management constituted as provided by Rule 23.
- (2) The Committee—
- (a) shall control and manage the business and affairs of the Association;
  - (b) may, subject to these Rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meeting of the members of the Association; AND
  - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

23. (1) The officers of the Association shall be—
- (a) a President;
  - (b) a Vice-President;
  - (c) a Treasurer; AND
  - (d) a Secretary.
- (2) The provision of Rule 25 so far as are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).
- (3) Each Officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-clause (1) the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

24. (1) Subject to section 23 of the Act, the Committee shall consist of—

- (a) the officers of the Association; and
- (b) five (5) ordinary members—

each of whom shall be elected at the annual general meeting of the Association in each year.

(2) Each ordinary member of the Committee shall, subject to these Rules, hold office until the annual general meeting next after the date of election but is eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

#### **ELECTION OF OFFICERS AND VACANCY**

25. (1) Nomination of candidates for election as officers of the Association or as ordinary members of the Committee—

(1) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); AND

(2) shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.

(2) If insufficient nominations are received to fill vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

(3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(5) The ballot for the election of officers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.

26. For the purpose of these Rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member—

(1) ceases to be a member of the Association;

(2) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or

(3) resigns from office by notice in writing given to the Secretary.

#### **PROCEEDING OF COMMITTEE**

27. (1) The Committee shall meet at least 3 times in each year at such place and such time as the Committee may determine.

(2) Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.

(3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.

(4) Any five (5) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

(5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.

(6) At meetings of the Committee—

(a) the President or in the President's absence the Vice-President shall preside; OR

(b) if the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.

(7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(8) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote. Resolutions shall be carried by simple majority of those voting.

(9) Written notice of each Committee Meeting shall be served on each member of the Committee by delivering it to the member at a reasonable time before the meeting at least 2 business days before the date of the meeting.

(10) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy on the Committee.

#### **SECRETARY**

28. The Secretary of the Association shall :

- (1) keep minutes of the resolutions and proceedings of each general meeting and each committee meeting in books provided for that purpose together with a record of the names of all persons present at committee meetings.
- (2) process all applications for membership as required by Rule 4.
- (3) keep and maintain the Register of Members as required by Rule 6.
- (4) receive, record and report to Committee all incoming correspondence.
- (5) respond to correspondence within such authority as the Committee may from time to time delegate to the Secretary or otherwise respond as specifically resolved by the Committee.
- (6) prepare and serve all notices, agendas and other documents necessary in relation to general meetings and committee meetings.
- (7) keep and maintain all necessary records of the Association (other than financial records) in a competent, efficient manner and in secure custody to the satisfaction of the Committee.
- (8) undertake other duties consistent with the role of the Secretary as may be reasonably required by the Committee from time to time.
- (9) be entitled to payment of an honorarium in respect of each whole year of service as Secretary, if so approved at the Annual General Meeting on the recommendation of the Committee.

#### **TREASURER**

29. (1) The Treasurer of the Association—

- (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; AND
  - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure and publish a report, a balanced account of the affairs connected with the activities of the Association.
- (2) The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

#### **REMOVAL OF MEMBER OF COMMITTEE**

30. (1) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his or her stead to hold office until the expiration of the term of the first-mentioned member.

(2) Where the member to whom a proposed resolution referred to sub-clause (1) makes representations in writing to the secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are no so sent, the member may require that they be read out at the meeting.

#### **CHEQUES**

31. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

#### **SEAL**

32. (1) The common seal of the Association shall be kept in the custody of the Secretary.

(2) The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

#### **ALTERATION OF THE RULES AND STATEMENT OF PURPOSES**

33. These Rules and the Statement of Purposes of the Association shall not be altered except in accordance with the Act.

(Section 22 of the Act provides that an incorporated association may, by special resolution, alter its Statement of Purposes or its Rules. Section 29 of the Act defines a special resolution).

#### **NOTICES**

34. (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the address shown in the Register of Members.

(2) Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

#### **WINDING UP OR CANCELLATION**

35. In the event of the organization being wound up, any assets remaining after payment of all debts and liabilities of the organization will only be transferred to such funds, authorities or institutions approved by the Commissioner of Taxation or a Deputy Commissioner for the purposes of any of the items of the tables of sub-section 78(4) of the Income Tax Assessment Act 1936, or any amendment or re-enactment thereof.

#### **CUSTODY OF RECORDS**

36. (1) Except as otherwise provided in these Rules, the Secretary shall keep custody of or direct control of all books, documents and securities of the Association.

#### **FUNDS**

37. The funds of the association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

#### **DISPUTES AND MEDIATION**

38. (1) The grievance procedure set out in this rule applies to disputes under these Rules between -
- (a) a member and another member; or
  - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be -
- (a) a person chosen by agreement between the parties;
  - or
  - (b) in the absence of agreement -
    - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association; or
    - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must -
- (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

**APPENDIX 1**  
**VICTORIAN ELECTRIC WHEELCHAIR SPORTS ASSOCIATION**  
**INCORPORATED Reg. No. A0020182K**  
**APPLICATION FOR MEMBERSHIP**

I, \_\_\_\_\_  
 (Full name of applicant - Please print)  
 of \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_  
 Tel: \_\_\_\_\_ Occupation \_\_\_\_\_  
 (Home) (Work) (Mobile)

desire to become a member of the **VICTORIAN ELECTRIC WHEELCHAIR SPORTS ASSOCIATION INCORPORATED.**

The category of membership for which this application is made is:

(Delete as necessary)	Joining Fee + Annual Fee including GST including
GST	
• Ordinary Member ( <b>over</b> 16 years of age)	\$2.00 + \$14.00
• Junior Member ( <b>under</b> 16 years of age) Date of birth ___/___/___	\$2.00 + \$ 6.00
• Organisation Membership	\$2.00 + \$35.00

**Declaration**

1. I agree with and am supportive of the Statement of Purposes of the Association for the time being in force.
2. In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.
3. I have applied for the correct category of membership in relation to my true age.

\_\_\_\_\_  
 (Signature of applicant)

**Witness** \_\_\_\_\_ **Date:** \_\_\_\_\_

Parent/Guardian approval of application for Junior membership is hereby given by

\_\_\_\_\_  
 (Full Name)

of \_\_\_\_\_  
 (Address)

in the capacity of Parent/Guardian.

(Signature of Parent/Guardian)  
**Date:** \_\_\_\_\_

Forward application to: Hon. Secretary  
 V.E.W.S.A. Inc.  
 P.O. Box 4002  
 MULGRAVE MDC 3170

**APPENDIX 2**  
**VICTORIAN ELECTRIC WHEELCHAIR SPORTS ASSOCIATION INC.**  
**Reg. No. A0020182K**  
**FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_ of \_\_\_\_\_  
(print name) (print address)

\_\_\_\_\_ being a member of the Victorian Electric Wheelchair Sports Association Inc. and being eligible to vote hereby appoint \_\_\_\_\_  
(print name)

of \_\_\_\_\_ being a member of that  
(print address)  
incorporated Association also eligible to vote, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or special general meeting, as the case may be) to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of that meeting.

My proxy is authorised to vote in favour of / against (delete as appropriate) the Resolution (insert details)

Signed \_\_\_\_\_

The \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**APPENDIX 3**  
**VICTORIAN ELECTRIC WHEELCHAIR SPORTS ASSOCIATION INC.**  
**Reg. No. A0020182K**  
**STATEMENT OF PURPOSES**

**1.0 INTERPRETATION**

1.1 This Statement of Purposes forms part of and shall be read and interpreted with the Rules of the Victorian Electric Wheelchair Sports Association Incorporated, hereinafter referred to as **“the Association”**.

1.2 In this Statement of Purposes, unless the contrary intention appears:

**“Electric Wheelchair”** means any electrically powered wheeled device for the use of one person to provide independent and functional mobility indoors and outdoors where pedestrian traffic normally occurs and without limiting the generality of the foregoing shall include electrically powered wheelchairs, scooters and tricycles.

2.0 The purposes for which the Association is established are:

2.1 To generally provide sporting and recreational activities and facilities for persons including children and adults who require the use of Electric Wheelchairs for personal independent and functional mobility.

2.2.1 To organise, convene, arrange, sponsor and co-ordinate activities to provide such persons with opportunities to participate in sporting activities involving the use of Electric Wheelchairs for personal achievement, competitive individual and team events at Local, Regional, Intrastate, Interstate, National and International levels.

2.2.2 To formulate, promulgate, amend from time-to-time as deemed necessary and administer Electric Wheelchair Sports Regulations and Rules in relation to all aspects of the sporting activities at Local, Regional and Intrastate levels. The Electric Wheelchair Sports

Regulations	and Rules shall include provisions in relation to but not be limited to game/event
playing rules	for each type of Electric Wheelchair Sports; dimensions and layouts of match
playing courts	and event courses and the equipment thereof; standards of sporting
equipment and Electric	Wheelchairs to be used by competitors and players in each type of
sport; player and competitor	qualifications and disqualifications for each type of sport;
player/competitor registrations	including registration fees and match/event fees payable
by players/competitors; accreditation	of umpires, referees and other officials; competition and
match draws and fixtures; event	admission fees payable by support persons and
spectators; safety of competitors, players,	support persons, officials and spectators.

2.3 To organise, arrange and provide venues and facilities for sporting activities involving the use of Electric Wheelchairs. Such venues and facilities shall include provision for participants, competitors, support persons, officials and spectators as deemed necessary by the Committee.

2.4 To arrange and provide or assist with arranging and providing transportation for sporting participants and competitors to and from sporting events and venues as deemed necessary by the Committee.

2.5.1 To create between the members of the Association and the public a clear understanding and recognition of the rights and capabilities of persons who use Electric Wheelchairs.

2.5.2 To accept, in principle, the **DECLARATION ON THE RIGHTS OF DISABLED PERSONS** adopted on 9 December 1975 by the United Nations General Assembly Resolution 3447 (xxx) and, as far as practicable, to apply the principles enunciated in the said Declaration in the organization and activities of the Association.

The said Declaration forms part of the Rules of the Association as Appendix 4 thereto.

2.6.1 To provide opportunities for persons throughout Victoria who use Electric Wheelchairs to take an active interest in and understanding of all aspects of the sporting and recreational activities involving the use of Electric Wheelchairs.

2.6.2 To encourage and assist persons who use Electric Wheelchairs to directly participate in the activities of the Association.

2.6.3 To provide, where necessary, direct financial assistance by way of non-refundable grant or secured or unsecured loan towards the purchase, hire, essential or desirable modification or repair of an Electric Wheelchair and/or essential accessories for persons who need the use of an Electric Wheelchair to

participate in Association activities and who are otherwise unable to arrange sufficient funding from their own resources or by any other reasonable means.

2.6.4 To issue on loan Electric Wheelchairs, accessories and ancillary equipment for Electric Wheelchairs and sporting equipment for use with Electric Wheelchairs to persons who need the use of an Electric Wheelchair to participate in Association activities and who are otherwise unable to obtain such items by any other reasonable means.

2.7 To arrange meetings, group discussions and social activities for persons who use Electric Wheelchairs, their families, friends and other persons for mutual interchange of experiences and ideas and friendship to enhance the quality of life for all participants.

2.8 To keep Association members and users of Electric Wheelchairs in general well informed as to the latest research and developments in relation to Electric Wheelchairs and their use for general mobility, sporting and recreational purposes.

2.9 To encourage and when deemed appropriate by the Committee to endorse the design, manufacture and supply of:

(a) any accessories, instruments, control devices or other objects or devices which may enhance or improve the safety, comfort, reliability, efficiency or performance of Electric Wheelchairs for general, sporting or recreational use;

(b) any apparatus, device or equipment which may facilitate the safe loading and unloading of Electric Wheelchairs and the occupants thereof into and out of road motor vehicles;

(c) any apparatus, device or equipment which may safely restrain Electric Wheelchairs with or without occupants in road motor vehicles whilst such vehicles are in motion.

2.10.1 To make and maintain contact with other Associations, Societies, Institutes or other bodies whether incorporated or unincorporated which have objects or purposes substantially similar to or compatible with the purposes of the Association. Such other Associations, Societies, Institutes or bodies may be within the States or Territories of Australia or within foreign countries.

2.10.2 To formally affiliate with or become a member of such other Associations, Societies, Institutes or other bodies as deemed appropriate by the Committee.

2.10.3 To formalise and maintain close contact with the **MUSCULAR DYSTROPHY ASSOCIATION OF VICTORIA INC.** and through that Association with the **MUSCULAR DYSTROPHY ASSOCIATIONS** in other States and Territories and with the **MUSCULAR DYSTROPHY ASSOCIATIONS OF AUSTRALIA.**

2.11.1 To work towards the establishment of and when established to affiliate with an Australian National Electric Wheelchair Sports Association or similar body to be a federation of a number of State or Territory Associations each retaining control of its own internal affairs.

2.11.2 The purposes of the federated National Association would include organization, co-ordination and regulation of Electric Wheelchair sports at the National and Interstate levels.

2.12 To organise and co-ordinate Victorian participation in annual National Electric Wheelchair Sports competitions including arranging venues, accommodation, catering and local transport within Victoria when the National event is to be held in Victoria.

2.13 To advise, assist and tangibly support any groups of persons wishing to establish organisations or other bodies with purposes similar to the Association and which organisations or other bodies would be complementary to the Association.

2.14 To arrange public education programs and promotional events, to publish literature and undertake other activities as may be necessary or desirable to advance the interests of the Association and to fulfil its purposes.

**APPENDIX 4**  
**DECLARATION ON THE RIGHTS OF DISABLED PERSONS ADOPTED 9**  
**DECEMBER 1975, BY UNITED NATIONS GENERAL ASSEMBLY**  
**RESOLUTION 3447 (XXX)**

1. The term “disabled person” means any person unable to ensure himself or herself wholly or partly the necessities of a normal individual and/or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities.
2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.
3. Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.
4. Disabled persons have the same civil and political rights as other human beings; article 7 of the Declaration of the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally disabled persons.
5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.
6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational education, training and rehabilitation, aid, counseling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration.
7. Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.
8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.
9. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive there from. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.
10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.
11. Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.
12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.
13. Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.